

UNITED STATES DISTRICT COURT

for the

Western District of Virginia

CLERK'S OFFICE U.S. DIST. COURT
AT ROANOKE, VA
FILED

JUN 10 2008

JOHN F. CORCORAN, CLERK

BY:

DEPUTY CLERK

United States of America

v.

Robert Thompson

Date of Previous Judgment: April 15, 2003
(Use Date of Last Amended Judgment if Applicable)

Case No: 7:02CR00087-001

USM No: 42115-060

Allegra M. C. Black, Assistant Federal Public Defender

Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☐ the defendant ☐ the Director of the Bureau of Prisons ☒ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ months is reduced to _____.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 28	Amended Offense Level: 26
Criminal History Category: IV	Criminal History Category: IV
Previous Guideline Range: 120 to 137 months	Amended Guideline Range: 120 to 120 months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

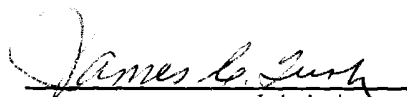
- ☐ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☒ Other (explain):
Because of the applicable mandatory minimum sentence of 120 months, the reduction of the defendant's offense level under the 2007 amendments to the crack cocaine sentencing guidelines results in an amended guideline range equal to the lower end of his previous range. Since the court at sentencing relied on the lower end of his previous range, 120 months, to calculate the appropriate downward departure to 96 months, the court does not find it appropriate to grant him any further reduction under 28 U.S.C.A. § 3582(c).

III. ADDITIONAL COMMENTS

Except as provided above, all provisions of the judgment dated 04/15/2003 shall remain in effect.

IT IS SO ORDERED.

Order Date: June 10, 2008


Judge's signature

Effective Date: _____
(if different from order date)

James C. Turk, Senior United States District Judge
Printed name and title